

Deposition of Barbara Petkovic, DPM, taken March 17, 2017

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HENRIETTA WILSON, et al.,)
)
 Plaintiffs,)
 vs.) Case No. 1:16-CV-1298
) Judge Gwin
 PRIMESOURCE HEALTH CARE OF)
 OHIO, INC., et al.,)
)
 Defendants.)

 THE DEPOSITION OF BARBARA PETKOVIC, DPM
 FRIDAY, MARCH 17, 2017

The deposition of BARBARA PETKOVIC, DPM,
 called by the Plaintiffs for examination pursuant
 to the Federal Rules of Civil Procedure, taken
 before me, the undersigned, Lynn A. Regovich,
 Notary Public within and for the State of Ohio,
 taken at The Spitz Law Firm, 25200 Chagrin
 Boulevard, Suite 200, Cleveland, Ohio, commencing
 at 10:00 a.m., the day and date above set forth.

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APPEARANCES:

On behalf of the Plaintiffs:

Brian D. Spitz, Esq.
 Christopher Wido, Esq.
 The Spitz Law Firm
 25200 Chagrin Boulevard, Suite 200
 Cleveland, Ohio 44122
 216.291.4744
 brian.spitz@spitzlawfirm.com
 chris.wido@spitzlawfirm.com

On behalf of the Defendant

PrimeSource Health Care of Ohio, Inc.:

Rachelle Kuznicki Zidar, Esq.
 Wickens, Herzer, Panza, Cook, Batista
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 Avon, Ohio 44011
 440.695.8096
 rzidar@wickenslaw.com

On behalf of the Witness:

Barry Y. Freeman, Esq.
 Buckingham, Doolittle & Burroughs
 1375 E. 9th Street, Suite 1700
 Cleveland, Ohio 44114
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 bfreeman@bdblaw.com

ALSO PRESENT:

Bobbie Richey, via speakerphone

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BARBARA PETKOVIC, DPM
 of lawful age, called by the Plaintiffs for
 examination pursuant to the Federal Rules of Civil
 Procedure, having been first duly sworn, as
 hereinafter certified, was examined and testified
 as follows:

EXAMINATION OF BARBARA PETKOVIC, DPM
 BY MR. SPITZ:

Q All right. State your name for the record,
 please.

A Barbara Petkovic.

Q Can I call you Barbara?

A Just Barb.

Q Barb?

A Uh-huh.

Q Can you spell Petkovic for the record?

A P E T K O V I C.

Q Barb, have you ever had your deposition taken
 before today?

A Huh-uh.

Q You have to answer out loud.

A Sorry. No.

Q Thank you. Please give me verbal answers. Yes
 or no instead of uh-huhs, yeahs, nahs. No
 shaking of head or gestures. You have to let

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1 MS. ZIDAR: Objection.
 2 A Uh-huh.
 3 Q Yes?
 4 A Yes.
 5 Q Have you made complaints that weren't relevant
 6 to this case?
 7 A Yeah.
 8 Q So how did Miss Richey know which complaints
 9 you were going to testify about?
 10 MS. ZIDAR: Objection.
 11 MR. FREEMAN: Objection.
 12 Foundation. Assuming facts not in evidence.
 13 Go ahead.
 14 A I don't know if she does.
 15 Q Going back to Exhibit 1, she told you that
 16 there's an attorney representing -- there's an
 17 attorney representing PrimeSource, right?
 18 A I knew.
 19 Q Okay.
 20 A She didn't -- I don't think she told me, did
 21 she?
 22 MR. FREEMAN: Put on your
 23 glasses.
 24 MR. WIDO: Maybe we
 25 should take a quick break.

1 Q The e-mail says you're willing to be -- you've
 2 offered to be a witness, right?
 3 A Yes.
 4 Q And then it says, I'm going to have our
 5 attorney, Barry Freeman, call you?
 6 A We talked --
 7 MR. FREEMAN: Objection.
 8 That's not what it says.
 9 Q Does it say, "I have provided your cell phone
 10 number to the attorney representing us in this
 11 matter." Does it say that?
 12 A Yes.
 13 Q From the fact that your cell phone was provided
 14 to the attorney, did you expect him to call
 15 you?
 16 MR. FREEMAN: You can answer
 17 that.
 18 A I didn't know about the e-mail until I searched
 19 for it.
 20 Q Okay. Would you agree with me that it's a fair
 21 reading from this e-mail that I provided your
 22 cell phone number to the attorney representing
 23 us in this matter that that is to communicate
 24 to you that you should be expecting a call from
 25 him?

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1 MR. SPITZ: Just one
 2 second.
 3 A Yeah.
 4 Q What?
 5 A In here, yeah.
 6 Q That's a yes?
 7 A Yes.
 8 Q I'm just trying to be -- the record has to be
 9 clear. You're saying yeah a lot. So I need it
 10 to be a yes or a no.
 11 A Uh-huh.
 12 Q Yes?
 13 A Yes.
 14 Q Thank you.
 15 And Miss Richey identified Mr. Freeman as
 16 the attorney, correct?
 17 A Yes.
 18 Q And she said, Mr. Freeman in his capacity as
 19 the attorney for PrimeSource would be
 20 contacting you as a witness, correct?
 21 A I don't remember she said that.
 22 MR. FREEMAN: Objection.
 23 Q Look at the e-mail.
 24 MR. FREEMAN: Objection.
 25 Misstating the record, but go ahead.

1 MS. ZIDAR: Objection.
 2 MR. FREEMAN: Objection.
 3 Foundation. Calls for speculation and contrary
 4 to the testimony she just gave you. Go ahead.
 5 A After all that I don't remember what you said.
 6 Q When somebody says, I've given -- when we say
 7 this to somebody, I'm willing to be a witness,
 8 and they say in response, I've given your cell
 9 phone number to an attorney, does that let you
 10 know that you should be expecting a call from
 11 the attorney?
 12 A If I had seen the e-mail before, I would have
 13 thought that, but I did not.
 14 MR. SPITZ: Thank you.
 15 That's all I wanted to know. Okay. We'll take
 16 a break now.
 17 (Recess taken.)
 18 MR. FREEMAN: Given the
 19 position that's been taken today, and because
 20 at their depositions Dean, Dougherty, Damink
 21 indicated that they were not being represented
 22 by you and unless Miss Lyons is being
 23 represented by you then I'm going to expect all
 24 e-mails and communications between you guys and
 25 those witnesses, which should have been

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1 produced long ago.
 2 MR. WIDO: We don't have
 3 any. So Henrietta did all the, yeah, so you
 4 know.
 5 MR. SPITZ: We don't have
 6 to get into it. There's no --
 7 MR. FREEMAN: Okay. All
 8 right. Okay.
 9 (Off the record.)
 10 MR. FREEMAN: Since counsel
 11 has indicated that the communications were done
 12 through the intermediary of Henrietta Wilson,
 13 then Henrietta Wilson has those documents and
 14 they should have been produced.
 15 MR. WIDO: I don't know
 16 that she has those documents.
 17 MR. FREEMAN: Then you
 18 should have found out. They got to these
 19 witnesses some way, not by magic.
 20 MR. SPITZ: Hey, we're not
 21 having these conversations on the record.
 22 (Off the record.)
 23 BY MR. SPITZ:
 24 Q Ma'am, have you ever expressed displeasure
 25 about PrimeSource?

1 Q Have you sought to get work from any others?
 2 A Yeah. Uh-huh.
 3 Q Which ones?
 4 A I don't remember. Probably -- any one I felt I
 5 could drive to, not too far away.
 6 Q In the last three years have you sought to get
 7 any work from any other mobile health care
 8 providers?
 9 A In the past three years.
 10 Q Who?
 11 A Yes, because PrimeSource was gone.
 12 Q So who --
 13 A One in Pennsylvania that actually got bought by
 14 the one I had turned in, so that didn't work
 15 out.
 16 Q So you weren't hired because of --
 17 A No, they did hire me.
 18 Q Okay.
 19 A But then the other one bought them.
 20 Q And you were fired?
 21 A I never got started, so.
 22 Q Did they tell you not to start or did you
 23 decide not to start?
 24 A It was kind of mutual. I'm not going to work
 25 for them.

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1 A Yes.
 2 Q Would you go so far as to say you hate them?
 3 A I don't know. I mean, every company people
 4 complain, that's pretty normal.
 5 Q My question is have you gone so far as to say
 6 that you hate PrimeSource?
 7 A I may have. Doesn't mean I do now.
 8 Q You filed a qui tam action?
 9 A Qui tam. Yes, I did.
 10 Q Who did you file that against?
 11 A On Health Care -- it was mobile -- Mobile
 12 Medical at the time. It's a different name.
 13 It was on health care -- on-site medical care
 14 when I worked there.
 15 Q Same type of business that PrimeSource does?
 16 A Yes, it is.
 17 Q And there's not a lot of companies that do
 18 that, correct?
 19 A I think there's a few.
 20 Q Can you identify any others?
 21 A There's one in Sylvania, Ohio, I can't remember
 22 the name. Mobile care group. But they also
 23 have additional services. And there's like a
 24 couple I think down south, but I don't know
 25 much about them.

1 Q You kept a journal regarding qui tam
 2 violations, qui tam violations?
 3 A No. What kind of journal?
 4 Q Of all the problems that you observed.
 5 A Where? No.
 6 MR. FREEMAN: Just answer
 7 the question. You don't need to be asking him
 8 questions.
 9 THE WITNESS: Okay.
 10 Q Have you ever threatened to sue PrimeSource?
 11 A I thought about it because I was mad, but I
 12 can't do it. I just can't go through that
 13 again. It's horrible.
 14 Q Who did you threaten to sue PrimeSource to?
 15 A I don't remember.
 16 Q Okay.
 17 A I didn't threaten to sue them. I probably said
 18 something stupid. That's not a threat.
 19 Q Well, what did you say?
 20 A I don't know.
 21 Q Who did you say it to?
 22 A I was angry. I don't know.
 23 Q Was it a manager?
 24 A Huh-uh. I don't think so.
 25 Q You told Miss Richey that you had a claim

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THE STATE OF)
) SS:
COUNTY OF)

Before me, a Notary Public in and for said state and county, personally appeared the above-named BARBARA PETKOVIC, DPM, who acknowledged that she did sign the foregoing transcript and that the same is a true and correct transcript of the testimony so given.

IN TESTIMONY WHEREOF, I have hereunto affixed my name and official seal at
this day of
, 2017.

BARBARA PETKOVIC, DPM

Notary Public
My Commission expires:

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DEPOSITION ERRATA SHEET

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SIGNATURE: DATE:

BARBARA PETKOVIC, DPM

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